

Remarks

Claims 1-33, 35-39, and 41-45 are pending upon entry of this Amendment B and Response to Office Action. Applicants have amended claims 20, 35, 36 and 41. Support for the amendments to claims 20 and 36 can be found in originally filed claims 34 and 40, as well as in the instant specification on page 8, line 32 through page 11, line 2. Support for the amendments to claim 40 can be found in previously pending claims 39 and 40, as well as in the instant specification on page 2, lines 11-19 and page 3, lines 4-10. Claims 1-19 remain withdrawn. No new subject matter has been added by this Amendment B and Response to Office Action.

Rejections under 35 U.S.C. §112/35 U.S.C. §101

Reconsideration is requested of the rejection of claims 41-45 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter and additionally, under 35 U.S.C. §101 for failing to set forth any steps involved in the process. Claim 41, as amended, provides for the use of the short fiber according to claim 36 in an airlaid process to form a fibrous nonwoven. Support for this amendment can be found in the instant specification, for example, on page 2, lines 11-19 and page 3, lines 4-10. Particularly, the inventors have surprisingly found that by using short viscose fibers with a finish, such as is required in claim 36, the throughput in an airlaid process can be considerably increased, thus forming fibrous nonwovens more efficiently. (see page 2, lines 11-14). The production of nonwoven composites using an airlaid process

is well defined in the literature and documented in the art. (See e.g., Coleman, et al. (U.S. Patent No. 6,759,567)). Applicants' respectfully assert that amended claim 41 sufficiently sets forth the necessary steps to constitute a proper process claim under 35 U.S.C. §101 and sufficiently points out and claims the subject matter as required under 35 U.S.C. §112. Therefore, Applicants respectfully submit that the rejection of claims 41, and 42-45 as being dependent upon claim 41, be withdrawn as moot.

Rejection under 35 U.S.C. §102

Reconsideration is requested of the rejection of claim 20 under 35 U.S.C. §102 as being anticipated by Chapman, Jr. (U.S. Patent No. 3,617,439).

Claim 20, as amended herein, is directed to a fibrous nonwoven comprising at least one short fiber-including layer, wherein at least a fraction of the short fibers is provided with a finish in an amount of more than 0.035 percent by weight, based on the fiber weight of the short fibers provided with the finish. The finish is selected from the group consisting of imidazolium ethosulfates, methosulfates, and the ethoxylated and propoxylated derivatives of imidazolium ethosulfates and methosulfates.

Chapman, Jr. discloses an airlaid sheet made from short cellulosic fibers having a finish applied in an amount ranging from 0.1 to 2 percent. The finish is a zwitterionic surfactant, such as N-octadecyl-N,N-dimethylaminio-12-dodecanoate, impregnated into the fibers either in slurry prior to or during comminution pulp sheet formation and prior to pulp sheet drying.

As stated in M.P.E.P. §2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

While Chapman, Jr. is directed to a method for impregnating fibers of a comminution pulp sheet comprised of wood or cellulosic fibers with zwitterionic surfactants for use in an airlaid method to produce absorbent products, Chapman, Jr. fails to teach or suggest the specific finish compounds as required in Applicants' amended claim 20. Particularly, no where in Chapman, Jr. is it taught or suggested to use a finish selected from the group consisting of imidazolium ethosulfates, methosulfates, and the ethoxylated and propoxylated derivatives of imidazolium ethosulfates and methosulfates.

As Chapman, Jr. fails to teach or suggest each and every limitation of Applicants' amended claim 20, Applicants respectfully submit that the rejection of claim 20 based on this reference should be withdrawn.

Rejections under 35 U.S.C. §103

A. Claims 20-26

Reconsideration is requested of the rejection of claims 20-26 under 35 U.S.C. §103(a) as being unpatentable over Scott, Jr., et al. (U.S. Patent Application publication 2002/0032421) in view of Shah, et al. (U.S. Patent No. 4,573,376).

Claim 20, as amended, is discussed above.

Scott, Jr., et al. is directed to an absorbent airlaid nonwoven fabric comprising short fibers, composed of cotton or rayon (i.e., viscose), that may be bonded together using

a binder of thermoplastic fibers. (See Scott, Jr., et al., at page 2, paragraph [0014] and page 3, paragraph [0025]). The short fibers have a length of 0.5-12 mm. (See Scott, Jr., et al., at page 3, paragraph [0025]). In one embodiment, the airlaid fabric may further include superabsorbent materials. (See Scott, Jr., et al., at page 3, paragraph [0029]).

As recognized by the Office, Scott, Jr., et al. fails to teach a finish being applied to the short fibers. Accordingly, the Office attempts to find each and every limitation of Applicants' claims by combining Scott, Jr., et al. with Shah, et al. Shah, et al. is directed to a method for increasing the absorbency of cellulosic fibers by treating said fibers with a finishing agent such as polyoxylethylene sorbitan monoester of a higher fatty acid. (See Shah, et al. at col. 3, lines 33-55).

In order for the Office to show a *prima facie* case of obviousness, M.P.E.P. § 2142 requires a clear articulation of the reasons why the claimed invention would have been obvious. Specifically, to reject a claim based on this rationale, the Office must articulate the following: (1) a finding that there was some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings to arrive at each and every limitation of the claimed invention; (2) a finding that there was reasonable expectation of success; and (3) whatever additional findings based on the Graham factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness. The

Office has failed to meet its burden under number (1) above, as the cited references, alone or in combination, fail to teach or suggest each and every limitation of Applicants' claimed invention, and further, there is no apparent reason for one skilled in the art to modify and/or combine the references to arrive at each and every limitation. It simply would not have been obvious to one skilled in the art to arrive at applicants' claimed combinations.

Initially, Applicants assert that neither cited reference teaches treating short fibers with a finish selected from the group consisting of imidazolium ethosulfates, methosulfates, and the ethoxylated and propoxylated derivatives of imidazolium ethosulfates and methosulfates. At best, as noted above, Shah, et al. teaches treating cellulosic fibers with finishing agents such as polyoxyethylene sorbitan monoesters of higher fatty acids. No where is there any suggestion to modify the finish of Shah, et al. to arrive at the specific finishes of Applicants' claim 20.

The instant specification teaches the use of the finish to improve the throughput of the fiber in the airlaid process (see page 2, lines 11-19). No where in Shah, et al. is there any description of processing its cellulosic fibers in an airlaid process. Accordingly, there is no suggestion to use the specific finishing agents of the instant claim 20 over the finishing agents set forth as suitable for use with the cellulosic fibers of Shah, et al.

As there is no suggestion to modify the finishing agents of Shah, et al. and combine the agents of the Shah,

et al. reference with the fabrics of the Scott, Jr., et al. reference, claim 20 is patentable over the cited references, alone and/or in combination. Additionally, claims 21-26, which depend from claim 20, are patentable over the cited references for the same reasons as set forth above for claim 20, as well as for the additional limitations they require.

B. Claims 27-45

Reconsideration is requested of the rejection of claims 27-45 under 35 U.S.C. §103(a) as being unpatentable over Scott, Jr., et al. in view of Shah, et al. and Agyapong, et al (U.S. Patent No. 6,554,814).

Claims 27-33 and 35 depend from claim 20 discussed above. Further, claim 36, as well as its dependent claims (claims 37-39 and 41-45) are similar to claim 20. Scott, Jr., et al. and Shah, et al. are discussed above. Specifically, as described above with respect to claim 20, neither Scott, Jr., et al. nor Shah, et al., alone or in combination, teach the specific finishes required in Applicants' claims 20 and 36. Agyapong, et al. fails to overcome this shortcoming.

Specifically, Agyapong, et al. is directed to catamenial tampons having improved expansion characteristics, and thus, improved leakage protection. No where in Agyapong, et al. is there any teaching or suggestion of using the specific finishing agents as required in Applicants' claims 20 and 36 in its tampons.

As the cited references fail to teach or suggest each and every limitation of Applicants' claims 20 and 36, claims 20 and 36, as well as their respective dependent

claims (claims 27-33, 35, 37-39 and 41-45) are patentable over the cited references.

CONCLUSION

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action with respect to all the pending claims is respectfully solicited.

The Commissioner is hereby authorized to charge any fees that may be required in connection with this response to Deposit Account No. 01-2384.

Respectfully submitted,

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Via EFS